

2 of the state. I heard nothing about that.

3 Q. All right. You were trained also  
4 on 2909.

5 Weren't you?

6 A. I don't know. I know I've read  
7 it, but I don't know if I've ever had  
8 specific training, per se, in that particular  
9 section.

10 Q. Okay. Now, the statute that  
11 requires mandatory reporting says it's to be  
12 entered irregardless of the circumstances.

13 Doesn't it?

14 A. I don't know what you're  
15 referring to.

16 Q. Well, read through it. You can  
17 read it to yourself. You don't have to read  
18 it out loud.

19 A. (Complies.)

20 Q. Have you had a chance to read  
21 that?

22 A. Yes, sir.

23 Q. Now, in your training, as I think  
24 you were alluding to, you were trained to  
25 read the whole statute.

2 Right?

3 A. Yes, sir.

4 Q. Now, you read part three in  
5 conjunction with one and two.

6 Correct?

7 A. I don't have a part three.

8 Q. Well, you just read it hopefully.

9 A. Oh, I thought you meant  
10 concealing --

11 Q. No. No. No.

12 A. What was your question again,  
13 please.

14 Q. When you read the requirement  
15 under 2908 (a) (3) of immediate entry of the  
16 children, okay, you read that part in  
17 conjunction with the prior two.

18 Correct?

19 A. Yes.

20 Q. All right. And so part one says,  
21 you know, that you're to investigate upon the  
22 receipt of -- I'm paraphrasing, okay -- of  
23 the report. Okay?

24 A. Okay.

25 Q. And then it says regardless of

2 age of missing child or the circumstances  
3 surrounding the disappearance of the child.

4 Isn't that correct?

5 A. Yes.

6 Q. Okay. Now, the circumstance here  
7 as you're being told is, oh, we know the  
8 children are with the mother.

9 Isn't that what the  
10 circumstance was?

11 A. That was my understanding. Yes.

12 Q. Okay. Doesn't the law  
13 specifically say we don't care what the  
14 circumstances are?

15 You're to investigate,  
16 write a report and put the children in CLEAN.

17 Isn't that what the law  
18 says boiled down to its very essence?

19 A. I think that's accurate. They're  
20 to immediately investigate it and enter the  
21 children into CLEAN if it's warranted.

22 Q. Right.

23 Now, an investigator for  
24 CLEAN and knowing that you can only put in  
25 CLEAN information that should be in there you

2 should know that statute.

3 Shouldn't you?

4 So that if somebody gives  
5 you a missing child report you know whether  
6 that report is proper or not.

7 Isn't that true?

8 A. In what capacity are we talking  
9 about?

10 Q. As a person in charge to make  
11 sure your CLEAN fails are proper.

12 A. In that position we do not get  
13 missing children reports to review or  
14 anything like that.

15 Q. So you're telling me the State  
16 Police doesn't really care whether the  
17 statute is being complied with when a CLEAN  
18 entry comes in?

19 Is that what you're  
20 telling me?

21 A. No. I'm not telling you that.

22 Q. Okay.

23 A. Because we take this information  
24 very seriously, but when it would come right  
25 down to it the accuracy of the information

2 was based or would ride upon the report, you  
3 know, and we would go out and audit it.

4 Q. Okay. So if I can understand  
5 your testimony now all you really wanted to  
6 do was see the piece of paper. You don't  
7 care what's on it is true or not.

8 A. Well, we did care if it was true  
9 or not, but we had no way, obviously, of  
10 going over every detail of every report.

11 Q. Well, in this case you had 45  
12 minutes for a small piece of paper.

13 A. Right.

14 Q. Okay. What was on that form that  
15 wouldn't have been accurate under the law so  
16 that the entry should be made?

17 A. It was accurate --

18 Q. Thank you.

19 A. -- under the law.

20 Q. Now, we were talking about State  
21 Police now. Now, you should have had  
22 something very similar to that.

23 Correct?

24 They should have had a  
25 report.

2 Right?

3 Written report.

4 A. Yes.

5 Q. All right. You should have had a  
6 complainant. A victim.

7 Right?

8 A. Okay.

9 Q. And the report should have  
10 started immediately when the complaint came  
11 in.

12 Correct?

13 MR. HENZES: When you talk  
14 about complaint, you're talking about a  
15 complaint of a missing child.

16 MR. PURICELLI: Yeah.

17 MR. HENZES: Okay. All  
18 right. Because you kind of throw  
19 complaint back and forth between that  
20 and --

21 MR. PURICELLI: Let's  
22 clean it up for you, Randy, so you're  
23 not confused.

24 MR. HENZES: No. If  
25 somebody else reads it, you sometimes

2 forget somebody who's not in the context  
3 of this room --

4 MR. PURICELLI: That's  
5 right. That's why I'm going to make  
6 sure that -- I didn't really want to do  
7 this, but --

8 BY MR. PURICELLI:

9 Q. The complainant is essentially  
10 listed as the victim on the State Police  
11 missing child form.

12 Right.

13 A. No.

14 Q. No?

15 A. No. The victim is the actual  
16 missing children --

17 Q. Really?

18 A. -- on an incident report.

19 Q. You know I can't find it now that  
20 I want it.

21 MR. HENZES: It's right in  
22 front of you.

23 MR. PURICELLI: No. I  
24 have one that's highlighted.

25 MR. HENZES: Whether that

2 one is or it isn't, it's his  
3 understanding that the victim is the  
4 children. What someone else may have  
5 wrote is what someone else may have  
6 wrote.

7 BY MR. PURICELLI:

8 Q. Well, let me ask you this then  
9 based on the representations of your  
10 attorney: Your understanding should be in  
11 conformity with State Police forms and  
12 training.

13 Correct?

14 A. Yes.

15 Q. Okay. And, obviously, if the  
16 form, when I eventually find it, if it  
17 classifies David Bush, person coming in  
18 complaining, as the victim, under State  
19 Police policy he is the victim.

20 Correct?

21 If the form says he's the  
22 victim.

23 A. Yes.

24 Q. Okay. I'm going to show you a  
25 document which I'm going to describe as -- I

2 think you'll recognize it as NCIC or computer  
3 initial crime response for Pennsylvania State  
4 Police. This is just for information at the  
5 moment.

6 Okay?

7 A. Yes, sir.

8 Q. Is that a form you utilized in  
9 the investigation of a missing child?

10 MR. HENZES: That he or he  
11 would use?

12 MR. PURICELLI: State  
13 Police.

14 MR. HENZES: Oh, that it's  
15 a form the State Police would use?

16 MR. PURICELLI: That's  
17 what we're talking about.

18 THE WITNESS: This is a  
19 printout of the initial crime query  
20 systems.

21 BY MR. PURICELLI:

22 Q. Perfect.

23 A. Okay.

24 Q. Perfect description.

25 Now, before we went on the

2 record today you and I discussed software  
3 stuff, correct, just as a casual discussion.

4 Right?

5 A. Yes, sir.

6 Q. And we talked about filling in  
7 the blank kind of forms like that.

8 The document I'm showing  
9 you now would be generated as a result of  
10 somebody filling in the blank on these forms  
11 looking like that.

12 Correct?

13 A. Yes.

14 Q. All right. So that document  
15 there is generated as a result of an entry  
16 made by a State Police official in this case.

17 Correct?

18 A. Yes. Those are typically done by  
19 the clerks.

20 Q. Based on what the trooper or  
21 investigator writes.

22 A. Yes.

23 Q. Correct?

24 A. Yes.

25 Q. They don't just put their own

2 information.

3 Right?

4 A. Correct.

5 Q. Now, that State Police document  
6 Randy is looking at now --

7 A. Uh-huh.

8 Q. -- identifies David Bush as the  
9 what?

10 A. Randy, may I see it?

11 MR. HENZES: No. This  
12 copy identifies him as the victim, too.  
13 No one disputes the paper identifies him  
14 as the victim and identifies him as the  
15 victim on the computer printout.

16 BY MR. PURICELLI:

17 Q. All right. So now that we've  
18 gone through that exercise of victim Randy  
19 has gotten to the point that I have been  
20 describing Mr. Bush correctly as the victim.

21 A. Yes, sir.

22 MR. HENZES: At least by  
23 the person who wrote the report.

24 MR. PURICELLI: All right.  
25 Let's go down that road for Randy.

2 MR. HENZES: Because,  
3 remember, it's not his. You're asking  
4 about somebody else's report, Brian, so  
5 you're clear.

6 MR. PURICELLI: No  
7 problem, Randy. Not at all. I don't  
8 mind going down this foundation road.

9 BY MR. PURICELLI:

10 Q. That document that we're looking  
11 at is a result of an official State Police  
12 form.

13 Correct?

14 A. Yes.

15 Q. And it's supposed to be filled  
16 out in accordance with State Police policies  
17 and procedures.

18 Isn't it?

19 A. Yes.

20 Q. And the officer or clerk in this  
21 case is trained by the State Police on what  
22 forms to fill in and what information to put  
23 in on those forms.

24 Correct?

25 A. Yes.

2 Q. Now, do you know of any reason  
3 that you can tell me why David Bush on these  
4 State Police forms is incorrectly identified  
5 as the victim?

6 MR. HENZES: Wait a  
7 second. There's no -- I object to the  
8 form of incorrectly. The question is  
9 why he was identified as the victim. We  
10 haven't come to a determination whether  
11 he's been identified correctly or  
12 incorrectly.

13 MR. PURICELLI: That's  
14 your argument. I'll stick with my  
15 question.

16 MR. HENZES: Well, I'm  
17 objecting to the form of the question.

18 BY MR. PURICELLI:

19 Q. Okay. Do you understand the  
20 question, Lieutenant.

21 A. I do.

22 Q. All right. Thank you.

23 Please answer it.

24 A. I don't know why he would be  
25 listed as the victim on that report.

2 Q. Can you show me where on a  
3 missing persons report first page -- you're  
4 free to look at this document.

5 MR. HENZES: It's not a  
6 missing persons report. It's an  
7 incident report.

8 MR. PURICELLI: Let's mark  
9 this as Ignatz-4 or five.

10 - - -

11 (Exhibit Ignatz-5, marked  
12 for identification.)

13 - - -

14 MR. HENZES: So we're  
15 clear, five is --

16 MR. PURICELLI: We're  
17 going to go down that road.

18 MR. HENZES: Five is an  
19 incident report.

20 MR. PURICELLI: We're  
21 going to go down there.

22 MR. HENZES: Well, I'm  
23 just telling you. You said it was a  
24 missing persons report. I'm just  
25 clearing the record up. It's an